

RESOURCES EXCISE TAX REPORT

This report, along with payment of the amount due, is to be submitted by the 25th day of the month following the month in which the taxable event occurs.

Name

Street

City, State, Zip Code

NEW MEXICO IDENTIFICATION NUMBER  
(Refer to this number in all correspondence)

-00-

TAX PERIOD

A. RESOURCES TAX (extracting or felling) (Section 7-25-4 NMSA 1978) See Tax Rates on reverse side

1. Type of resource (use separate column to report each type) .....

2. Quantity (tons, lbs. or MBF) .....

3. Gross value (\$) .....

4. Deductions (complete Part E) .....

5. Taxable value (line 3 less line 4) .....

6. Tax due (line 5 x tax rate) .....  
(indicate tax rate in small box)

7. TOTAL RESOURCES TAX DUE (total all columns on line 6) .....

1.								
2.								
3.								
4.								
5.								
6.	%		%		%		%	
7.								

B. PROCESSOR'S TAX (Section 7-25-5 NMSA 1978) See Tax Rates on reverse side

8. Type of resource (use separate column to report each type) .....

9. Quantity (tons, lbs. or MBF) .....

10. Gross value (\$) .....

11. Deductions (complete Part E) .....

12. Taxable value (line 10 less line 11) .....

13. Tax due (line 12 x tax rate) .....  
(indicate tax rate in small box)

14. TOTAL PROCESSOR'S TAX DUE (total all columns on line 13) .....

8.								
9.								
10.								
11.								
12.								
13.	%		%		%		%	
14.								

C. SERVICE TAX (extracting or felling) (Section 7-25-6 NMSA 1978) See Tax Rates on reverse side

15. Type of resource (use separate column to report each type) .....

16. Quantity (tons, lbs. or MBF) .....

17. Service charge (\$) .....

18. Tax due (line 17 x tax rate) .....  
(indicate tax rate in small box)

19. TOTAL SERVICE TAX DUE (total all columns on line 18) .....

15.								
16.								
17.								
18.	%		%		%		%	
19.								

D. SUMMARY OF ALL TAXES

20. Total of all taxes due (total lines 7, 14 and 19) .....

21. Penalty for late filing (2% of line 20 per month or partial month up to 10%) .....

22. Interest for late filing (1.25% of line 20 for each month or partial month that this report is late.) .....

23. GRAND TOTAL OF TAXES, PENALTY AND INTEREST DUE (Remit this amount) .....

20.	
21.	
22.	
23.	

E. BREAKDOWN OF DEDUCTIONS

24. Amounts received from selling natural resources, other than metalliferous mineral ores, whether processed or unprocessed, to the United States or any agency or instrumentality thereof, the State of New Mexico or any political subdivision thereof, or to organizations defined on the reverse side of this form. ....

25. Any royalty or other similar interest, whether payable in cash or in kind, paid to the United States or any agency or instrumentality thereof, or the State of New Mexico or any political subdivision thereof, or any Indian tribe, Indian pueblo or Indian that is a ward of the United States may be deducted from taxable value. ....

26. Any service charge on which the service tax is payable .....

27. TOTAL DEDUCTIONS (must equal the total of entries on lines 4 and 11). ....

24.	
25.	
26.	
27.	

I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete.

Signature of Taxpayer or Agent

Title

Month Day Year

## EXCERPTS FROM RESOURCES EXCISE TAX ACT

### Chapter 7, Article 25 NMSA 1978

**7-25-1. Resources Excise Tax Act-Short Title.** - may be cited as the "Resources Excise Tax Act."

**7-25-2. Purpose.** - The purpose of the Resources Excise Tax Act [7-25-1 to 7-25-9 NMSA 1978] is to provide revenue for public purposes by levying a tax on the privilege of severing and processing natural resources within New Mexico.

**7-25-3. Definitions.** - As used in the Resources Excise Tax Act:

A. "department" means the taxation and revenue department, the secretary of taxation and revenue or any employee of the department exercising authority lawfully delegated to that employee by the secretary;

B. "natural resource" means timber and any product thereof and any metalliferous or nonmetalliferous mineral product, combination or compound thereof, severed in New Mexico but does not include oil, natural gas, liquid hydrocarbon individually or any combination thereof or carbon dioxide;

C. "person" means any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate or other entity;

D. "processing" means smelting, leaching, refining, reducing, compounding or otherwise preparing for sale or commercial use any natural resource so that its character or condition is materially changed in mills or plants located in New Mexico;

E. "processor" means any person engaging in the business of processing natural resources that the person owns, or any person who is the owner of natural resources and who has another person perform the processing of such natural resources;

F. "service charge" means the total amount of money or the reasonable value of other consideration received for severing or processing any natural resource by any person who is not the owner of the natural resource. However, if the money received does not represent the value of the severing or processing performed, "service charge" means the reasonable value of the severing or processing performed;

G. "severer" means any person engaging in the business of severing natural resources that the person owns, or any person who is the owner of natural resources and who has another person perform the severing or such natural resources;

H. "severing" means mining, quarrying, extracting, felling or producing any natural resource in New Mexico for sale, profit or commercial use; and

I. "taxable value" means the value after severing or processing, without deduction of any kind other than specified in this subsection, of any natural resource severed or processed in New Mexico. It is presumed, in the absence of preponderant evidence of another value, that the taxable value means the total amount of money or the reasonable value of other consideration received for the severed or processed natural resource. However, if the amount of money received does not represent the value of the severed or processed natural resource, or if the severed or processed natural resource is not sold, the taxable value shall be the reasonable value of the severed or processed natural resource. All natural resources severed or processed in New Mexico shall be included in determining taxable value, regardless of the place of sale or the fact that delivery may be made to points outside of New Mexico. If any person shall ship, transmit or transport natural resources out of New Mexico without making sale of them, or shall ship, transmit or transport natural resources out of New Mexico in an unfinished condition, the value of the natural resources in the condition in which they existed when shipped, transmitted or transported out of New Mexico and before they enter interstate commerce, without deduction of any kind other than specified in this subsection, shall be the basis for determining the taxable value. Amounts received from selling natural resources, other than metalliferous mineral ores, whether processed or unprocessed, to the United States or any agency or instrumentality thereof, the state of New Mexico or any political subdivision thereof, or to organizations that have demonstrated to the department that they have been granted exemption from the federal income tax by the United States commissioner of internal revenue as organizations described in Section 501 (c)(3) of the United States Internal Revenue Code of 1954, as amended or renumbered, which employ the natural resource in the conduct of functions described in Section 501 (c)(3) and not in the conduct of an unrelated trade or business as defined in Section 513 of the United States Internal Revenue Code of 1954, as amended or renumbered, may be deducted from taxable value. Any royalty or other similar interest, whether payable in cash or in kind, paid to the United

States or any agency or instrumentality thereof, or the state of New Mexico or any political subdivision thereof, or any Indian tribe, Indian pueblo or Indian that is a ward of the United States may be deducted from taxable value. In computing taxable value, any owner of natural resources may deduct any service charge on which the service tax imposed by Section 7-25-6 NMSA 1978 is payable.

**7-25-4. Rate and Measure of Tax; denomination as "resources tax".-**

A. For the privilege of severing natural resources, there is imposed on any severer of natural resources in New Mexico as excise tax at the following rates on the taxable value of the natural resources: (Effective July 1, 1999.)

- (1) all natural resources except potash, molybdenum and copper - three-fourths of one percent;
- (2) potash - one-half of one percent;
- (3) molybdenum - one-eighth of one percent; and
- (4) copper - one-fourth of one percent.

B. The tax imposed by this section shall be referred to as the "resources tax."

**7-25-5. Rate and measure of tax: denomination as "processors tax." (Effective July 1, 1999.)**

A. For the privilege of processing natural resources, there is imposed on any processor of natural resources in New Mexico an excise tax at the following rates on the taxable value of the natural resource:

- (1) all natural resources except timber, potash, molybdenum and copper - three fourths of one percent;
- (2) timber - three eights of one percent;
- (3) potash - one-eighth on one percent;
- (4) molybdenum - one-eighth on one percent; and
- (5) copper - one-fourth of one percent.

B. The tax imposed by this section shall be referred to as the "processors tax."

**7-25-6. Rate and measure of tax; denomination as "service tax."**

A. For the privilege of severing or processing in New Mexico natural resources that are owned by another person, and are not otherwise taxed by Sections 4 and 5 [7-25-4, 7-25-5 NMSA 1978] of the Resources Excise Tax Act, there is imposed on the service charge of any person severing or processing natural resources that are owned by another person an excise tax at the same rate that would be imposed on an owner of natural resources for performing the same function.

B. The tax imposed by this section shall be referred to as the "service tax."

**7-25-7. Exemption; resources tax.**

Exempted from the resources tax is the taxable value of any natural resource that is processed in New Mexico and on whose taxable value the processors tax is paid.

**7-25-8. Sales of natural resources subject to Gross Receipts and Compensating Tax Act.**

In addition to being subject to the Resources Excise Tax Act [7-25-1 to 7-25-9 NMSA 1978], any person who sells nonfissionable natural resources other than for subsequent sale in the ordinary course of business or for use as an ingredient or component part of a manufactured product is subject to the Gross Receipts and Compensating Tax Act.

**7-25-9. Date payment due.**

The taxes imposed by the Resources Excise Tax Act [7-25-1 to 7-25-9 NMSA 1978] are to be paid on or before the twenty-fifth day of the month following the month in which the first of the following occurs: sale, transportation out of New Mexico or consumption.

**NOTE:** The report form allows for four (4) types of minerals only. Where necessary, please use additional forms as continuation sheets.